

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD ANGELO VICARI,
Plaintiff,
v.
AMADOR COUNTY,
Defendants.

No. 2:22-cv-0215 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On October 27, 2023, defendant filed a motion for summary judgment. ECF No. 22. On December 5, 2023, plaintiff was ordered to file an opposition or a statement of non-opposition to the pending motion within twenty-one days. ECF No. 23. In the same order, plaintiff was informed that failure to file an opposition would result in a recommendation that this action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The twenty-one-day period has now expired, and plaintiff has not responded to the court's order.

The court notes that the order directing plaintiff to respond to the motion was returned by the postal service. (Docket notation dated December 18, 2023.) It is the plaintiff's responsibility to keep the court apprised of his current address at all times, and pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective. Therefore, the order

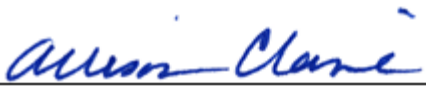
1 directing plaintiff to respond to the motion and warning him of the consequences of failing to do
2 so was properly served.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall randomly
4 assign a United States District Judge to this action.

5 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice
6 pursuant to Federal Rule of Civil Procedure 41(b).

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, any party may file written
10 objections with the court and serve a copy on all parties. Such a document should be captioned
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
12 objections shall be filed and served within fourteen days after service of the objections. The
13 parties are advised that failure to file objections within the specified time may waive the right to
14 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15 DATED: January 9, 2024

16 
17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28